

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**FRED LEE JOHNSON,**

Petitioner,

v.

Civil Action No. 3:17CV306

**EDDIE L. PEARSON,**

Respondent.

**MEMORANDUM OPINION**

Petitioner, a Virginia inmate proceeding *pro se*, submitted a 28 U.S.C. § 2254 petition. In his present petition, Petitioner challenges his 2006 conviction for forcible rape in the Circuit Court for the City of Richmond. (§ 2254 Pet. 1, ECF No. 4.) Petitioner currently has another petition for a writ of habeas corpus pending before this Court wherein he challenges the same conviction. *See Johnson v. Pearson*, No. 3:17CV239 (E.D. Va. filed Mar. 29, 2017). The pertinent statutes do not permit inmates to litigate multiple or successive 28 U.S.C. § 2254 petitions. *See Felker v. Turpin*, 518 U.S. 651, 657 (1996). Accordingly, by Memorandum Order entered on May 25, 2017, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to show good cause why the present petition should not be dismissed without prejudice to Petitioner's litigation of his claims currently pending in *Johnson v. Pearson*, No. 3:17CV239 (E.D. Va.). The Court warned that a failure to comply with the Court's directive would result in summary dismissal of the action.

More than eleven (11) days have expired since the entry of the May 25, 2017 Memorandum Order and Petitioner has failed to respond. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. To the extent necessary, a certificate of appealability will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 6/28/17  
Richmond, Virginia

Is/   
John A. Gibney, Jr.  
United States District Judge